IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2953 OF 1992

ALONG WITH

SECOND APPEAL NO.71 OF 1996

Shri Harjivanbhai Kuvarji Gajjar
(since deceased) through his LRs.
Shri Anil Harjivanbhai Gajjar & Ors. ... Petitioners

Vs.

M/s. Deepchand Construction
Company. ... Respondents

Mr. M.M. Sathaye for the petitioners.

Mr. R.A. Thorat for the respondents.

CORAM: SMT. RANJANA DESAI, J.

DATED: 22ND MARCH, 2005.

P.C.:-

1. Not on board. Mentioned urgently.

2. The learned counsel for the petitioners states that one Harjivanbhai Kuvarji Gajjar was the 1st petitioner in Writ Petition No.2953 of 1992 and the 1st appellant in Second Appeal No.71 of 1996. After his death, Civil Application No.448 of 2004 was filed in Second Appeal No.71 of 1996. In that civil application, the names of the legal heirs of deceased Harjivanbhai Gajjar were mentioned and a prayer was made that they may be brought on record. However, all of them were not brought on

record because the office raised an objection that the advocate did not have the vakalatnama signed by all the heirs. In the circumstances only Mr. Anil Harjivanbhai Gajjar was brought on record and the civil application was disposed of.

3. I am informed by the learned counsel for the parties that the parties have settled the dispute involved in the writ petition and in the second appeal, amicably and the petitioners have instructed him to withdraw the petition and the second appeal. However, the heirs of deceased Harjivanbhai Gajjar have not been brought on the record of the writ petition and the second appeal. The learned counsel for the petitioners states that he wants to bring the legal heirs of deceased Harjivanbhai Gajjar on record and he has filed the list of the said heirs, whose names are mentioned in the said list as petitioners 1(a) to 1(j). The learned counsel for the petitioners states that he may be allowed to amend the writ petition and the second appeal so that thereafter he can withdraw them. The learned counsel for the respondents has no objection to the said heirs being brought on record. In view of this, the amendment is accepted. The amendment should be carried out during the course of the day. The learned counsel for the petitioners has filed his vakalatnama duly signed by the heirs of deceased Harjivanbhai Gajjar. That is taken on record. In view of this, the prayer of the learned counsel for the petitioners for withdrawal of the above writ petition and the above second appeal is

granted. Writ Petition No.2953 of 1992 and Second Appeal No.71 of 1996 are allowed to be withdrawn. The written instructions given by the petitioners to the petitioners' advocate instructing him to withdraw the above proceedings are taken on record and marked 'X'.

4. The writ petition and the second appeal are disposed of as withdrawn. All connected civil applications are also disposed of.

5. All concerned to act on the authenticated copy of this order.

(SMT. RANJANA DESAI, J.)